

Ralph P. Albrecht

From: Sanford T. Colb & Co. - Rehovot Office [colbpat@stc.co.il]
Sent: Thursday, September 06, 2012 7:19 PM
To: Chorev, Dana
Cc: Charash-Cohen, Inbar
Subject: FW: Our ref: 45460 - Patent Inquiry

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Dana Chorev,
TEOCO LTD.,
Amal 12,
Park Afek,
Rosh Ha'ayin 48092

Re: Schema's US Patent No. 6,487,414
Expiration Date: 27 DEC 2010
Our ref: 45460

Dear Ms. Chorev,

Thank you for your e-mails of August 29 and September 5, 2012.

I am forwarding to you below the e-mail received from our US associate in response to our inquiry whether US Patent No. 6,487,414 can be revived.

Please note that the estimated cost of reinstating the patent, exclusive of attorneys' time, is US\$ 2,465.00. The deadline for filing a petition is **December 27, 2012**.

Sincerely yours,

Marilyn Joseph
Sanford T. Colb & Co.

****IMPORTANT*******

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Sanford T. Colb & Co.
Tel.: (972-8) 945-5122 MJ
Fax: (972-8) 949-1040 /945-4556

-----Original Message-----

From: Sanford T. Colb & Co. - Rehovot Office
Sent: Wednesday, September 05, 2012 7:05 PM
To: Marilyn Joseph
Subject: FW: Our ref: 45460 - Patent Inquiry

From: Rosenberg, Jody [mailto:jrosenberg@sughrue.com]
Sent: Wednesday, September 05, 2012 5:31 PM
To: Sanford T. Colb & Co. - Rehovot Office
Cc: Mandir, William H.; Harmon, Gudrun B.
Subject: FW: Our ref: 45460 - Patent Inquiry

Dear Ms. Joseph,

Thank you for your email to Mr. Mandir regarding U.S. Patent 6,487,414. He is out of the office today travelling.

A patent can be reinstated within 24 months of expiration if the expiration was unintentional or unavoidable. A petition is filed along with the missed maintenance fee amount and a surcharge of \$1,640.00. Our fee to file the Petition is \$250.00. You would need to tell us whether the missed payment was unavoidable or unintentional. There may be more involved if the missed payment was unavoidable as there is typically a brief that is necessary and would require more attorney time. In that instance, an attorney's hourly rate would apply rather than the flat fee of \$250.00

If you have any further questions, please do not hesitate to contact us.

I've copied below the PTO rule regarding such matters:

37 CFR 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent.

(a) The Director may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable (paragraph (b) of this section) or unintentional (paragraph (c) of this section) and if the surcharge required by § 1.20(i) is paid as a condition of accepting payment of the maintenance fee. If the Director accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

(b) Any petition to accept an unavoidably delayed payment of a maintenance fee filed under paragraph (a) of this section must include:

(1) the required maintenance fee set forth in § 1.20 (e)-(g);

(2) the surcharge set forth in § 1.20(i)(1); and

(3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

(c) Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

(1) the required maintenance fee set forth in § 1.20 (e)-(g);

(2) the surcharge set forth in § 1.20(i)(2); and

(3) a statement that the delay in payment of the maintenance fee was unintentional.

(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

(e) Reconsideration of a decision refusing to accept a maintenance fee upon petition filed pursuant to paragraph (a) of this section may be obtained by filing a petition for reconsideration within two months of, or such other time as set in the decision refusing to accept the delayed payment of the maintenance fee. Any such petition for reconsideration must be accompanied by the petition fee set forth in § 1.17(f). After the decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director. If the delayed payment of the maintenance fee is not accepted, the maintenance fee and the surcharge set forth in § 1.20(i) will be refunded following the decision on the petition for reconsideration, or after the expiration of the time for filing such a petition for reconsideration, if none is filed. Any petition fee under this section will not be refunded unless the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.

Best regards,

Jody Rosenberg on behalf of

William H. Mandir

From: "Sanford T. Colb & Co. - Rehovot Office" <colbpat@stc.co.il>

Date: September 4, 2012 8:13:26 AM CDT

To: "wmandir@sughrue.com" <wmandir@sughrue.com>

Subject: Our ref: 45460 - Patent Inquiry

William H. Mandir, Esq.,

SUGHRUE MION PLLC,

2100 Pennsylvania Avenue, NW,

Washington, DC 20037-3213

USA

Re: US Patent No. 6,487,414

Issued 26 NOV 2002

(Application No. 09/636,044)

SYSTEM AND METHOD FOR FREQUENCY PLANNING
IN WIRELESS COMMUNICATION NETWORKS

Our ref: 45460

Dear Mr. Mandir,

The above-referenced patent expired on December 27, 2010 due to non-payment of the maintenance fee. Please let us know by return e-mail whether there is any way to pay the maintenance fee retroactively so that the US Patent will be reinstated.

Sincerely yours,

Marilyn Joseph

Sanford T. Colb & Co.

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Jody L. Rosenberg
Director of Operations

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jrosenberg@sughrue.com - www.sughrue.com



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